

REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Final Office Action mailed November 27, 2007 (hereinafter "Final Action"). In response, Applicant has amended independent Claims 1 and 7 to further clarify that the touch screen contact part contacts the touch screen such that at least an angle of the contact position in relation to the axis about which the user actuation part rotates corresponds to the angle of the user actuation part in relation to the axis. Applicant respectfully submits that the cited reference fails to disclose or suggest, at least, the recitations of independent Claims 1 and 7. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Independent Claims 1 and 7 are Patentable

Independent Claims 1 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent Publication No. 2003/0076302 to Langstraat (hereinafter "Langstraat") in view of U. S. Patent Publication No. 2003/0235452 to Kraus et al. (hereinafter "Kraus"). (Final Action, page 2). Independent Claim 1 is directed to a movement input device for use on a touch screen of a portable electronic device and recites, in part:

...
a user input unit fastened to and extending through the fastening unit,
wherein the user input unit comprises:
a user actuation part protruding from the top side of the fastening unit
and being operable for actuation by a user for free angular movement with an
angle of rotation around an axis (X) provided at least generally perpendicular to
the top and bottom sides of the fastening unit; and
a touch screen contact part protruding from the bottom side of the
fastening unit that is configured to contact the touch screen in a position where at
least an angle of the contact position in relation to the axis corresponds to the
angle of the user actuation part in relation to the axis, so that movement of the
user input unit is detected on the touch screen. (Emphasis added).

Independent Claim 7 includes similar recitations. According to independent Claim 1, the user input unit extends through the fastening unit. Moreover, the user input unit includes a touch screen contact part that protrudes from the bottom side of the fastening unit. This is illustrated, for example, in FIG. 4 where the user input unit 18 extends through the fastening unit (lid) 16

and includes a touch screen contact part 26 that protrudes from the bottom side of the fastening unit 16. In addition, independent Claim 1 has been amended to clarify that the touch screen contact part contacts the touch screen where at least an angle of the contact position in relation to the axis about which the user actuation part rotates corresponds to the angle of the user actuation part in relation to the axis.

The Final Action alleges that the socket 130 in the housing 102 shown in FIG. 5 of Langstraat corresponds to the fastening unit and the stylus 112 corresponds to the user input unit. (Final Action, page 3). In sharp contrast to the recitations of independent Claim 1, however, the stylus 112 does not extend through the socket 130, but instead is received into a boot 134, which is part of the socket 130. Thus, the stylus 112 does not correspond to the user input unit as recited in independent Claim 1. In response to this argument, the Final Action states:

Applicant states that the stylus 112 does not extend through the socket 130, but as seen from Figure 5, it does indeed go through the socket to make contact with the lower portion of the boot 134. (Final Action , page 8).

Paragraph 22 of Langstraat states, in part:

...Socket 130 includes a boot 132 sized and shaped for receiving an end of the stylus 112....

According to Langstraat, the boot 132/134 is part of the socket 130. Therefore, for the stylus 112 to extend through the socket 130 it would have to extend through the boot 132/134, which it clearly does not.

The Final Action further alleges that the end 116 of the stylus 112 corresponds to the touch screen contact part that protrudes from the bottom side of the fastening unit. (Final Action, page 3). The end 116 of the stylus 112 is received into the boot 134, which is part of the socket 130 and, therefore, does not protrude from a bottom side of the socket 130 as explained above. Thus, the end 116 of the stylus 112 does not correspond to the touch screen contact part as recited in independent Claim 1.

Furthermore, the touch screen contact part recited in independent Claim 1 is described as being configured to contact the touch screen in a position such that at least an angle of the

contact position in relation to the axis about which the user actuation part rotates corresponds to the angle of the user action part in relation to the axis so that movement of the user input unit is detected. Applicant acknowledges that Langstraat teaches detection of movement of a stylus around an axis. However, this is done through connecting the boot to a detector. It is the movement of the boot that is detected, not the contact position of the stylus. (Langstraat, paragraph 23). Moreover, in sharp contrast to the recitations of Claim 1 as amended, according to Langstraat the pointed end of the stylus will always coincide with the rotational axis because it is held in the boot. This means that for every angle of rotation around the axis, the pointed end of the stylus will always be provided in the same position, which happens to coincide with the axis. Thus, even if the teachings of Langstraat and Kraus are combined and further modified such that the stylus of Langstraat is made to contact the touch screen, the resulting device would operate such that the stylus would provide the same contact position for all angles of rotation so that it would not be possible to detect user input based on angle of the contact position relative to the axis of rotation.

The Final Action further acknowledges that Langstraat does not disclose the fastening unit as being configured for placement over at least a part of the touch screen or that movement of the user input unit is detected on the touch screen. (Final Action, page 3). Applicant submits, however, that the combination of Langstraat and Kraus does not disclose or suggest all of the recitations of independent Claim 1. Kraus discloses a device that includes a keyboard overlay that sits on top of a touch-sensitive display screen. Thus, the combination of Langstraat and Kraus would result in a stylus that is configured above the keyboard overlay and is used to cause the keyboard overlay to contact the touch screen. Independent Claim 1, however, recites the user input unit as including a touch screen contact part that "contact[s] the touch screen..." In sharp contrast, the boot 134 of Langstraat and the keyboard overlay 110 of Kraus prevent the stylus 112 of Langstraat from being able to contact the touch screen.

The same arguments presented above with respect to Claim 1 also apply with respect to similar recitations of Claim 7. For at least the foregoing reasons, Applicant respectfully submits that independent Claims 1 and 7 are patentable over Langstraat and Kraus, and that dependent Claims 2 - 6 and 8 - 11 are patentable at least by virtue of their depending from an allowable claim.


Various Dependent Claims Are Separately Patentable

Dependent Claims 2 - 6 and 8 - 11 depend from independent Claims 1 and 7 and are allowable for at least the reasons discussed above. Various ones of these claims, however, are separately patentable. For example, as discussed above, the combination of Langstraat and Kraus does not disclose or suggest the touch screen contact part being configured to contact the touch screen because the keyboard overlay of Kraus and the boot of Langstraat prevent such contact. Accordingly, dependent Claims 3 and 4, which include recitations directed to particular embodiments for facilitating contact between the touch screen contact part and the touch screen, are not disclosed or suggested by Kraus and Langstraat. Applicant, therefore, submits that Claims 3 and 4 are separately patentable for at least these additional reasons.

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



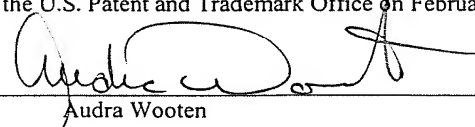
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Audra Wooten